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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SHITARA, K. et al.

Atty. Ref.: 249-243

Serial No. 10/009,723

Group: 1641

Filed: December 17, 2001

Examiner: GRUN, James Leslie

For: DIAGNOSTIC AGENT AND THERAPEUTIC AGENT FOR DISEASE RELATED TO
MONOCYTE AND MACROPHAGE

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September 29, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST

The Examiner is again requested to return a completely initialed copy of the PTO-1449 Form filed December 17, 2001, which listed the documents cited in the International Search Report issued in connection with the International Application No. PCT/JP00/03957. The partially initialed copy of the PTO-1449 Form received with the Office Action of September 21, 2004, includes a lined through WO 98/22626 as well as the additional document BIOSIS No. 199799777801, each of which was listed in the International Search Report and indicated by the Patent Office in the Notification of Defective Response dated August 28, 2002, as having been received from the International Bureau. Accordingly, it is not clear to the undersigned why these documents were lined through on the PTO-1449 Form returned with the Office Action of September 21, 2004, as the Examiner apparently received copies of the references from the International Bureau, as confirmed by the Patent Office Notification of August

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28, 2002, and, in the event the documents are not printed in English, a Search Report was available to indicate the alleged relevance of the documents. Return of a completely initialed copy of the previously-filed PTO-1449 Form, pursuant to MPEP § 609, confirming consideration of the documents listed in the International Search Report, is requested.

The Examiner is also requested to confirm the acceptance of the drawings or provide a specific objection or rejection of the same.

The present Request is not being filed in response to the Office Action of September 21, 2004. The Request is being filed as the requested items have not been included with the Office Action of September 21, 2004.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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